

The Salisbury Planning Board held its regular meeting Tuesday, April 11, 2006, in the City Council Chamber of the Salisbury City Hall at 4 p.m. with the following being present and absent:

**PRESENT:** Dr. Mark Beymer, Nathan Chambers, Lou Manning, Brian Miller, Sandy Reitz, Valarie Stewart, Albert Stout, Dr. Kelly Vance, Price Wagoner, and Diane Young

**ABSENT:** Glenn Taylor and Tommy Hairston

**STAFF:** Janet Gapen, Dan Mikkelson, Preston Mitchell, Diana Moghrabi, Joe Morris

Chairman Brian Miller called the meeting to order and offered the invocation. The minutes of the March 28, 2006, meeting were approved as published. Chairman Miller welcomed new members of the Planning Board Nathan Chambers, Tommy Hairston, and Glenn Taylor.

## **NEW BUSINESS**

### **A. Zoning Map Amendments**

- Explanation of procedure
- Staff Presentation
- Courtesy Hearing
- Board discussion
- Statement of Consistency and Motion

#### **(1) Z-03-06**

##### **Mitchell Avenue Properties, Inc., petitioner**

1027 Lincolnton Road

From: R-8

To: MED

Parcel: 013-22301

Acreage: 1.02

Valarie Stewart recused herself because of her employment at Rowan Regional Hospital; the Board agreed.

Senior Planner Preston Mitchell gave a staff presentation of the site which included pictures, history, surrounding zoning, and maps.

### *Zoning Districts*

#### **R-8 District:**

- Primarily for Detached Single-Family Residential
- Customary accessory uses

## MED

- This is a Non-Cumulative Zone
- Primarily medical-related office/institution
- Customary accessory uses
- Requires the Group Development process

### *Growth Plan – Economic Development*

The city shall encourage new and expanding industries and businesses which: (1) diversify the local economy (2) utilize a more highly skilled labor force and (3) increase area residents' incomes. The benefits of continued economic development shall be balanced against the possible detrimental effects such development may have on the quality of life enjoyed by area residents.

### *Growth Plan – Office & Institution*

Office and institutional development may be encouraged to locate as a transitional land use between activities of higher intensity and those of lower intensity. Linear striping of offices along thoroughfares shall be discouraged in favor of planned office parks or clusters of offices with common access, parking, etc.

### *Growth Plan - Housing*

The protection and rehabilitation of viable neighborhoods shall be encouraged to ensure their continued existence as a major housing source and as a reflection of the long-term quality of life in Salisbury. Efforts to reduce through traffic in existing neighborhoods and the prevention of through traffic in planned residential areas shall be encouraged.

Mr. Mitchell gave a history of the rezoning efforts in this area. The Fulton Heights neighborhood spearheaded a campaign for neighborhood rezoning in 1989 to R-8. The neighborhood consistently comes to Planning Board and City Council meetings to protect their R-8 zoning. They are strongly against losing it along its fringes. Today 46 residents appeared to speak against the rezoning to MED.

### *Staff Recommendation*

Staff believes this request is consistent with the Growth and Comprehensive Plan and recommends approval as presented and further analyzed in the staff report. A copy of the staff report is available to the public upon request. This information is posted on the LM&D Web site prior to Planning Board meetings. <http://www.salisburync.gov/lm&d/pb/2006pbtable.html>

## **Statement of Consistency**

(As per NC General Statute 160A-383)

*Prior to adopting or rejecting any zoning amendment, the governing board shall adopt a statement describing whether its action is consistent with an adopted comprehensive plan and explaining why the board considers the action taken to be reasonable and in the public interest. The Planning Board shall advise and comment on whether the proposed amendment is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable. The Planning Board shall provide a written recommendation to the governing board that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the planning board that a proposed amendment is inconsistent with the*

*comprehensive plan shall not preclude consideration or approval of the proposed amendment by the governing board. (NCGS 160A-383)*

**Those speaking in favor of the improvements:**

Rob Watts, manager of the property, made himself available for questions.

Dr. Boyd Watts, 530 Hickory Drive, is the owner of the property. He gave some background on the parcel and the house that was removed. The American Legion hosted an increasing number of events across the street which led to the removal of the house. It was and is his intent to put medical and dental uses on the property. The MED zoning would offer a good transition. He would like to see all of his LOI property rezoned to MED. There are a number of uses under LOI that are not appropriate for the neighborhood.

**Those speaking in opposition:**

Jay Dees of 121 E. Kerr Street suggested that the concept of expansion of existing business needs to be challenged by this board. The staff report suggests that this is a planned medical community. In 2001, Lincolnton Road was designated as a residential artery and residential is its highest and best use. The comment of finishing a development one does not see "yet" is not right. This is residential going to business. Mr. Dees passed out a zoning map within a one-half mile of this site of available property encroachments to the East. There are properties in the immediate area that are zoned appropriately.

Maggie Blackwell, 422 Mitchell Avenue, serves as the president of the Fulton Heights Neighborhood Associations. She offered three main points.

- 1) Wiley Avenue ends at a dead end at the rear of this property. There are a number of houses on this block and one has 100 beautiful azaleas. The proposed building could be ten feet from this property line. Setbacks mentioned in the staff report damage the quality of life for these homeowners. For many in the neighborhood their homes are often their only investment.
- 2) Grading increases noise from Jake Alexander Boulevard.
- 3) Stanley and Wiley streets represent a public/private partnership with the City of Salisbury for a park development. They have worked very hard to develop this project; with the agreement that Fulton Heights raises \$32,000 to build it. The first \$6,000 has been raised. This park will attract young families to this neighborhood. This is an inner-city neighborhood, one of the few middle class neighborhoods that Salisbury has and they are working very hard to attract homeowners to this neighborhood. The encroachment of further commercial in their R-8 zoning defeats their efforts.

Mitchell Avenue Properties owns contiguous houses beyond this lot. A domino effect could result. The history of the attempts for rezoning show Planning Board has stood behind Fulton Heights for many times.

John Burke, 328 Mitchell Avenue, was interested in Dr. Watts's history of the property. He understands why he would want to turn the lot into an income producing property; normally he is also in favor of income. This is more than an effort to convert grass into an income producing property. This is an integral part of Novant Presbyterian's efforts to come into Salisbury and Rowan County with an operating room facility. The northeast property could be moved to MED zoning and become the next step in Novant Presbyterian's expansion. He called attention to the medical complex on Julian Road, which is quite close to this facility. It is a very comprehensive medical center that has two operating rooms and two more that could be converted within 6-8 weeks from the date they get a certificate of need. The Julian Road facility meets all the City's criteria for economic development, so there is no incremental benefit to the City from the terms of economic development from changing the zoning. What there is is an assault on our hospital as well as our neighborhood. He urged the Board to protect the City of Salisbury, Rowan County, Rowan Regional Hospital and the neighborhood from an encroachment by the Winston-Salem based Novant Hospitals.

Dee Dee Wright of 418 S. Caldwell Street, 28146, is a former chair of the Salisbury Planning Board. She asked the rhetorical question, "How many medical facilities does Salisbury need?" Rowan Regional is absorbing the cost of poor and indigent patients. There was a round of applause.

Dawn Isenberg has lived at 721 Mitchell Avenue for 30 years and is a charter member of the neighborhood association. After 20 years, she is still on the Fulton Heights Board and still fighting encroachment. The suggestion that this would be a community service is an insult to her; this is a choice inspired by greed and self-serving.

Jana Annas of 140 McCoy Road represented her son who was unable to attend the meeting. She mentioned the neighborhood's recent efforts in traffic calming by insisting on the addition of 4-way stops. No more medical facilities are needed. She supports the use of the abandoned Winn Dixie property for the medical expansion.

Mr. John Isenberg of 721 Mitchell Avenue has lived in Fulton Heights for 51 years. The encroachment of business into their community is like fighting off a cancer. He wants the Board to say no and to mean it.

#### *Rebuttal*

Dr. Watts clarified that the VA Hospital is not available to everyone and there are 158, 000 Rowan County residents. There is no competition.

#### *Board Discussion*

Sandy Reitz cannot imagine that this is not an encroachment into Fulton Heights; this rezoning is more than Fulton Heights needs.

Lou Manning summarized that this is an historic district. There are other spaces available -- Julian Road for instance. He cannot support this rezoning.

Albert Stout agreed with the staff report and the general rights of the petitioner. He supports the rezoning.

Diane Young stated that you know the zoning at the time you purchase property; when you purchase for rezoning, it's buyer beware. She reflected on a recent request to rezone for a daycare on the other end of Fulton Heights that was denied; R-8 is the most restrictive category. How far does the City of Salisbury allow the reaching in with rezoning? It is necessary to protect the fringes of the neighborhood.

Mark Beymer generally supports economic growth. He has no objections to business; however, he does have concerns of encroachment into this well-established neighborhood. There are other alternatives so he will vote against the rezoning.

Kelly Vance is new to Salisbury and agrees with the 2020 Comprehensive Plan -- that it is good to build "areas" where you can live and work and that provides goods and services to the residents. This is something she would want to live near. She believes it increase property values in the area and is in favor.

Brian Miller is a resident of Fulton Heights. This is not a decision about whether other property is or is not available. The Planning Board is to decide whether this residentially zoned property could appropriately be rezoned to MED zoning.

Lou Manning made a MOTION:

The Planning Board finds and determines that denial of the rezoning request is consistent with the adopted Strategic Growth Plan and Comprehensive Plan and, as a result, the denial advances their goals, objectives, and policies for growth and development in the City of Salisbury. (Regarding protection of neighborhoods) Therefore, I move to recommend denial of zoning petition Z-03-06. Price Wagoner seconded the motion. Those in favor of denying the rezoning were Diane Young, Mark Beymer, Lou Manning, Brian Miller, Sandy Reitz, and Price Wagoner. Those who favored the rezoning were Albert Stout, Nathan Chambers, and Kelly Vance. (6-3)

The recommendation to City Council from the Planning Board to deny the rezoning will go before City Council May 2, 2006, at 4 p.m. in the Council Chamber.

Valarie Stewart was allowed to return to the Planning Board.

**(2) Z-04-06**

**Martha Agner, petitioner**

2417 Statesville Boulevard (US-70)

From: R-8

To: B-2

TM&P: 330-029

Acreage: 1.85

Preston Mitchell offered a staff report that showed aerial views of the property in the U.S. 70 Corridor. There was a study of this corridor that was not adopted by City Council. The corridor is under major reconstruction by NC DOT and in the process of transition.

### *Zoning Districts*

#### **R-8 District:**

- Primarily for Detached Single-Family Residential
- Customary accessory uses

#### **B-2**

- Light Commercial
- Selected retail trade, restaurant, and office
- Includes multi-family

### *Growth Plan – Commercial*

Highway-oriented commercial uses provide goods and services to the traveling public and accommodate businesses which require extensive display and storage areas. Without proper safeguards, however, these areas may evolve into extensive lengths of strip commercial development containing a variety of business activities which are inappropriate and which result in traffic congestion, unsafe proliferation of curb cuts, and visual blight.

### *Growth Plan – Office & Institution*

Commercial development shall be encouraged to occur in clusters or planned shopping centers to minimize the proliferation of "retail strip" locations. Highway oriented commercial uses shall be clustered along segments of arterial streets and contain land uses which are mutually compatible and reinforcing in use and design; they should be designed in such a way as to minimize signage, access points, and excessive lengths of commercial strip development.

Commercial uses shall be encouraged to develop by consolidation and deepening of existing commercially zoned property, only when such consolidation and deepening is compatible with adjacent land uses.

### *Staff Recommendation*

Staff does not believe this to be entirely consistent with Growth and Comprehensive Plans; however, recommends approval based on the request being reasonable for current situation along US-70 and for the commercial/office edge characteristic of B-2 district as presented and further analyzed in the staff report. (A copy of staff report is available to the public upon request.)

### *Those speaking in favor of the rezoning:*

Martha Agner of 170 Frances Street is the owner of the property at 2417 Statesville Boulevard. Rezoning would help her family control the development around them; it is a block away from her primary residence and her children also live nearby. The B-2 zoning would allow business that is compatible with their neighborhood. Her neighbors have no objection to the rezoning. This is not spot zoning per David Phillips.

*Those speaking in opposition:* NONE

*Board Discussion*

Brian Miller worked on the Planning Board committee that did the US 70 Corridor study which was not adopted by City Council circa February 2002. They addressed the current widening of the highway. Planning Board had recommended to Council that a committee be formed to include the Community Appearance Commission, The Tree Board and others to thoroughly create the future of the corridor.

Lou Manning would like to see this go to committee in order to review that study and evaluate the current conditions of the area; he lives in this area. He made a MOTION to send it to committee. Mark Beymer seconded the motion.

Valarie Stewart wondered why the former study was being considered since it was not adopted by City Council. She agreed with the staff report on this rezoning.

Sandy wondered if the zoning in the entire area should be re-evaluated. There are a lot of homes for sale there.

Those in favor of sending to committee: Price Wagoner, Sandy Reitz, Kelly Vance, Brian Miller, Lou Manning, Nathan Chambers, and Mark Beymer.

Albert Stout, Diane Young and Valarie Stewart voted against. (7-3)

Legislative Committee A—Valarie Stewart, Chair; Diane Young, Vice Chair; Mark Beymer; add Glenn Taylor and Nathan Chambers--Thursday, April 13, at 8 a.m. in the hospital cafeteria.

(Legislative Committee B will include Tommy Hairston.)

**COMMITTEES**

The Planning Board's Committee 1 reviewing the proposed Sidewalk Prioritization Plan convened their second meeting on March 29, 2006. Following broad-brush discussions at the first meeting where the overall goals of the Plan and how it would be created were discussed, this second meeting centered on receiving information from Steve Weatherford, Streets Division Manager.

At the first meeting there were several unanswered questions regarding current sidewalk funding, current sidewalk construction and maintenance schedules and priorities, and how could this plan help or hinder Steve and his objectives.

Steve started off by informing the committee that completely new sidewalk construction generally comes from the Engineering Division of LM&D or directly from City Council. Steve's group will construct new linkages when they are found to be reasonable for completing a loop or extensions to an appropriate terminus. For instance, in doing repair work on the sidewalks along Elm Street at Lincolnton Road, his group decided to extend the sidewalk to the end of Elm Street alongside the pocket park. He went on to state that they do not use an official plan of action, but at the same time do not concentrate all efforts in one section of the city for extended periods of time.

He regularly receives information via the Pavement Conditions Survey conducted by ITRE. The City requested that sidewalk conditions be included in the study, but a significant shortcoming in the study is that it only provides information on city streets and does not provide information on void spots where a sidewalk network exists.

Overall, Steve is supportive of the Sidewalk Prioritization Plan concept. He believes that the plan will assist in ultimately filling missing linkages and supports creating priority areas for all new construction so as to provide more clear direction from the top down. He also supports the inclusion of sidewalk needs and priorities in future Small Area Plans.

The committee will meet April 19, at City Hall at 8 a.m. There was no change to the members of the committee.

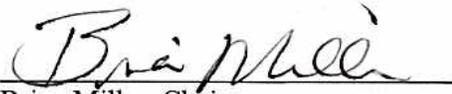
**Committee 2**—The Courtesy Hearings report was tabled for the next meeting.

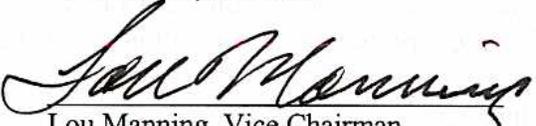
## **OTHER BOARD BUSINESS**

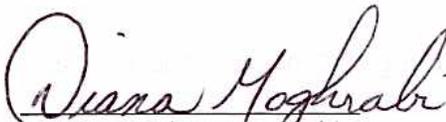
### *Staff*

The John Leatherman case (S-06-05) is coming back to Planning Board. Mr. Leatherman had appealed his case to City Council; excerpts from the Planning Board meetings and the City Council meeting were distributed to refresh the memories of the Board, to be discussed at the next meeting.

There being no further business to come before the Planning Board, the meeting was adjourned at 6:00 p.m.

  
Brian Miller, Chairman

  
Lou Manning, Vice Chairman

  
Secretary, Diana Moghrabi